

## Message Text

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47

ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W  
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P 061552Z MAY 76

FM AMEMBASSY LISBON

TO SECSTATE WASHDC PRIORITY 7027

C O N F I D E N T I A L LISBON 3017

EXDIS

DEPT PLEASE PASS USIA AND AMCON MUNICH

STATE FOR EUR/ARMITAGE AND EUR/WE/BARBOUR  
USIA FOR IEU/MCLAUGHLIN

E.O. 11652: GDS

TAGS: PINT, US, PO, SP

SUBJ: RFE NEGOTIATIONS

REF: (A) LISBON 2876, (B) LISBON 2364

SUMMARY: RARET DRAFT CONTRACT WAS GIVEN GOP NEGOTIATOR ON MAY 4.  
INITIAL PORTUGUESE RESPONSE IS EXPECTED WITHIN TWO WEEKS. GOP  
NEGOTIATOR'S INITIAL ATTITUDE WAS NOT ALTOGETHER FAVORABLE TOWARD  
A USG-GOP COVERING NOTE OR ANNEX TO THE COMPLETED CONTRACT.  
END SUMMARY.

1. CONTRACT PRESENTED: PER REFTEL A, EMBOFF ADVISED  
RARET MANAGER CARMEN COSTA PEREIRA TO PRESENT DRAFT CON-  
TRACT TO MAJOR FIGUEIREDO, GOP NEGOTIATOR. FIGUEIREDO  
RECEIVED THE DRAFT ON MAY 4 AND SAID HE HOPED TO GIVE  
RARET HIS IMPRESSIONS IN ABOUT TWO WEEKS. IN MEETING,  
FIGUEIREDO REITERATED THAT HE FOUND THE CONTRACT  
RENEGOTIATION "EASIER" THAN IT MIGHT BE BECAUSE TALKS  
WERE WITH A "PRIVATE PORTUGUESE ORGANIZATION (RARET)"  
AND NOT RPT NOT DIRECTLY WITH THE USG. RARET  
MANAGER THUS CONTINUES TO BELIEVE PRESENCE OF EMBOFF  
OR OTHER USG REPRESENTATIVE AT EARLY NEGOTIATING SESSIONS  
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COULD LEAD FIGUEIREDO TO BE MORE DEMANDING, ESPECIALLY

IN TERMS OF IMMEDIATE GIVE AND TAKE. IN CONTRAST, IF RARET MANAGER IS RECEIVING NEGOTIATION DEMANDS, SHE CAN MORE EASILY REFER QUESTIONS BACK TO WASHINGTON AND ARRANGE STRATEGIC DELAYS AS NECESSARY.

2. DRAFT CHANGES: THE CONTRACT AS PRESENTED REMOVED ALL BIB AMENDMENTS WHICH INSERTED USG OWNERSHIP AND PARTICIPATION THROUGHOUT THE VARIOUS ARTICLES. RARET ATTORNEYS, HOWEVER, ALTERED PHRASEOLOGY OF THOSE SECTIONS TO PROTECT USG WITHOUT MENTIONING IT BY NAME. USUAL PROCEDURE IN REVISIONS WAS TO REFER TO MATERIAL AS OWNED BY "THIRD PARTIES" OR INTERESTS AS REPRESENTED BY "OTHER PARTIES," INSTEAD OF BY USG. FOR EXAMPLE, IN ARTICLE TWO, NEW SECTION THREE READS: "PROPERTY OWNED BY OTHERS: ALL THE MATERIAL WHICH THE SECOND PARTY MAY RECEIVE ON LEASE, OR IN ANY OTHER MANNER WILL, UNDER ALL CIRCUMSTANCES REMAIN THE PROPERTY OF WHOEVER OWNS IT." ONE OTHER CHANGE IN DRAFT ACTUALLY SUBMITTED: CONTRACT FEE GIVEN IN ARTICLE 17 WAS 40 MILLION ESCUDOS INSTEAD OF THE 50 MILLION ESCUDOS SPECIFIED IN EARLIER DRAFT. AMOUNT WAS REDUCED IN ANTICIPATION OF NEED FOR NEGOTIATING FACTOR. RARET MANAGER AIRMAILED COPY OF DRAFT AS SUBMITTED TO GOP. IT SHOULD REACH WASHINGTON BY EARLY NEXT WEEK.

3. EXPECTATIONS ON GOP ATTITUDE: RARET MANAGER EXPLAINED TO FIGUEIREDO THE CONCEPT OF A COVERING NOTE OR ANNEX TO CONTRACT WHICH WOULD BE SIGNED BY USG AND GOP REPRESENTATIVES. FIGUEIREDO REPORTEDLY SAID HE WOULD FIND SUCH A NOT "UNSUITABLE" AND WONDERED WHY IT WOULD BE NECESSARY SINCE IT WAS "SO EASY" SIMPLY TO HAVE A CONTRACT SIGNED BY A GOP REPRESENTATIVE AND A "PRIVATE PORTUGUESE ORGANIZATION (RARET)." EMBOFF REMINDED RARET MANAGER THAT IT IMPORTANT FOR FIGUEIREDO TO UNDERSTAND THAT NOW RFE FACILITIES ARE FUNDED DIRECTLY BY U.S. CONGRESS AND THAT THIS NECESSITATES USG PARTICIPATION AT APPROPRIATE LEVELS.

4. FUTURE MOVES: IT IS UNLIKELY THAT FIGUEIREDO WILL HAVE GIVEN RARET MANAGER HIS IMPRESSIONS ON THE DRAFT  
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CONTRACT BY THE MAY 12 PERIOD, WHEN BIB'S ABSHIRE AHD PLANNED LISBON VISIT. RARET MANAGER BELIEVES THAT FIGUEIREDO'S NEGOTIATING POSTURE SHOULD BE CLEAR BEFORE HE MEETS BIB OFFICIALS. EMBASSY CONCURS. RARET MANAGER FURTHER BELIEVES IN FACT THAT NEGOTIATIONS MAY WELL PROCEED TO A SATISFACTORY CONCLUSION WITHOUT DIRECT PARTICIPATION BY USG REPRESENTATIVES IN DISCUSSIONS. EMBASSY RESERVES

JUDGEMENT ON THIS OVER-ALL PROCESS UNTIL WE SEE HOW  
FIGUEIREDO RESPONDS INITIALLY.  
CARLUCCI

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